

IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

DATED THIS THE 4TH DAY OF JUNE 1998.

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKHARAIHAH

WRIT PETITION NO. 26669 OF 1995.

BETWEEN:

1. M/s. A Chamaraaju Family Trust,
102/5, 7th A Main Road,
3rd Block, Jayanagar,
Bangalore-560 001.
By its Trustee

2. The Vysya Bank Limited,
(A company registered under the
Banking Companies Act),
72, St. Mark's Road,
Bangalore-560 001.
Represented by its Asst. General
Manager Krishnanjaneyulu.

. . Petitioners

(By Sri N.K.Gupta for Petitioners)

AND

Corporation ~~of~~ City of Bangalore,
Corporation Offices,
Bangalore, represented by its
Commissioner.

. . Respondent

(By Sri Muniyappa for respondent)

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Writ petition filed under Articles 226 and 227 of the Constitution of India with an affidavit praying to the reason stated in the accompanying affidavit that ~~this~~ Hon'ble Court may be pleased to quash Annexure-B dated 5.5.95 bearing No.AEE(SN)61/PO/10/95-96 issue writ in the mandamus or any other appropriate writ or order of direction, directing the officials its workmen from further demolishing structure in the schedule property, etc.,

This writ petition is coming on for *final disposal*
~~orders~~ this day, the Court made the following

O R D E R

Sri Muniyappa, is directed to take notice for the respondent. Accordingly, he appeared for it.

2. This petition is by the petitioner against the order passed by the Corporation under Sec.321(1) (2) and (3) of the Act. The Corporation

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has not stated as to which portion of the building is unauthorised construction and contrary to the approved plan. If that is the case, there is no application of mind by the authority who passed the impugned order.

3. Accordingly, writ petition is allowed; the impugned notice dated 5.5.1995 (Annexure-C) is quashed and the matter is remitted to respondent to consider and dispose of the matter afresh after notice to the petitioner pursuant to the provisional order passed under Sec. 321(1)(2) of the Act.

Sd/- JUDGE.

Mc/-

r. by *V. Pr.*

c. by *26/8/98*



COPY.

26/8/98
Assistant Registrar
High Court of Karnataka
Bangalore-560 001.

26/8/98

